

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

KEVIN CHANDLER,	)	
	)	
	)	
Petitioner,	)	
vs.	)	Case No. 1:13-cv-207-TWP-DKL
	)	
CRAIG HANKS,	)	
	)	
	)	
Respondent.	)	

**Entry Dismissing Petition for Writ of Habeas Corpus**

In a prison disciplinary proceeding identified as No. ISR 12-09-0092, Kevin Chandler (“Chandler”) was found guilty of violating prison rules and was sanctioned. Chandler challenges the validity of that proceeding in this action for habeas corpus relief. The respondent seeks dismissal of the action, arguing that Chandler was not sanctioned in a manner that placed him “in custody” in relation to the disciplinary proceeding.

The respondent’s argument has merit. A federal court may issue a writ of habeas corpus pursuant to 28 U.S.C. ' 2254(a) only if it finds the applicant “is in custody in violation of the Constitution or laws or treaties of the United States.” *Id.* Chandler was sanctioned with the imposition of a one year period in disciplinary segregation and a written reprimand. Neither of these sanctions affect the fact or anticipated duration of Chandler’s confinement, and thus neither of these sanctions is sufficient to enable Chandler to meet the “in custody” requirement of the federal habeas statute, 28 U.S.C. § 2254(a). A sanction which does not subject an offender to “custody” cannot be challenged in an action for habeas corpus relief. *Virsnieks v. Smith*, 521 F.3d 707, 717-18 (7th Cir. 2008); *Cochran v. Buss*, 381 F.3d 637, 639 (7th Cir. 2004); *Montgomery v. Anderson*, 262 F.3d 641, 644-45 (7th Cir. 2001) (“Disciplinary segregation

affects the severity rather than the duration of custody”). When no recognized liberty or property interest has been taken, which is the case here, the confining authority “is free to use any procedures it chooses, or no procedures at all.” *Montgomery*, 262 F.3d at 644.

On the basis of the foregoing, therefore, the respondent’s motion to dismiss [dkt. no. 13] is **granted**. Judgment consistent with this Entry shall now issue.

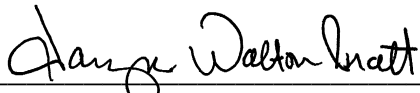
**IT IS SO ORDERED.**

Date: 10/03/2013

Distribution:

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All electronically registered counsel

  
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Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana